

April 16, 1975

change the 50 to 15. That is the amendment I am seeking to have adopted.

PRESIDENT: Senator Barnett.

SENATOR BARNETT: Mr. President, members of the Legislature, I am going to oppose the amendment that Senator Chambers wants to add in here for the simple reason that I think the penalty on sexual assault should be more than 50. We have in the bill a range of 1 to 50 which gives the courts the discretion of determining the severeability of the sexual assault and, therefore, allowing for a stiffer penalty for the more brutal type of sexual assault. I would say that what we have found in the Judiciary Committee and in our studies, and I think Senator Chambers knows this but he may not agree with it which is fine, that the penalty sections, if they are left to the courts to make the decisions in a wider range, more years as a maximum, less as a minimum, gives them more leeway in making decisions and trying to come up with answers to the problems that we have. I can think that if, as a suggestion, as one example, that if a person would sexually assault some 10 year old, 12, 14, 16, I don't care, what age you want to start at, and then gouge their eyes out so they couldn't identify them. Think of it. Think of it as it were your own child and I know what Senator Chambers would do, if it were his own child and so would I, and there would be no way that that 50 years would be enough. But if you had a penalty of 15 years, as Senator Chambers proposes, and under our court system, they serve approximately 2/3 of the time. They would be serving 10 years maximum. Probably with other laws, other ideas, they would be out sooner than that, for permanently injuring somebody that would have to go through life permanently injured. I would hope that this body would leave the courts the discretion of making the decisions of what a 5 year rate, 10, 15 or 50 year rate should be.

PRESIDENT: I am sure that is very interesting under the South balcony but could the volume be reduced a little bit so that Senator Barnett could be heard.

SENATOR BARNETT: Senator Pieper is probably telling stories.

PRESIDENT: Yes. Could we keep the volume down Senator Fitzgerald and Senator Pieper? We can't even hear. Senators, could we keep the volume down? Thank you.

SENATOR BARNETT: I think I pretty much explained it except to the group that was over there underneath the balcony...

PRESIDENT: Senator Pieper will explain it to them.

SENATOR BARNETT: I hope. He will probably write it in the paper and you can depend on just about what it is going to say.

PRESIDENT: Go ahead, Senator Barnett.

SENATOR BARNETT: I would therefore, I guess, at this time, since I lost my train of thought, I think you understand